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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,714	07/31/2003	Keisuke Yoshida	1046.1297	1592

21171 7590 01/12/2007  
STAAS & HALSEY LLP  
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WASHINGTON, DC 20005

EXAMINER
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BATAILLE, PIERRE-MICHEL

ART UNIT	PAPER NUMBER
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2186

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/630,714

Applicant(s)

YOSHIDA, KEISUKE

Examiner

Pierre-Michel Bataille

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continuing Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 November 2006 has been entered.
2. claims 1-17 are now pending in the application as claim 17 has been newly added.

### ***Specification***

3. The disclosure is objected to because of the following informalities because the specification is replete with grammatical and idiomatic errors:

The entire specification has not been checked to the extent necessary to determine the presence of all possible minor errors. The following objection or typos are noted.

"Therefore, the parameters etc" (page 2, Line 1).

"and so on" (line 21, page 1) (like the expression "or the like").

Please note that these are merely exemplary. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Response to Arguments***

4. Applicant's arguments, see remarks on pages 5-9, filed 16 November 2006 and Examiner Interview Summary dated 06 November 2006, with respect to the rejection(s) of claim(s) 1-17 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly discovered reference patented to Ryan (US 2003/0023707).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4-6, 8-10, 12-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,117,186 (Wydall et al) in view of US 2003/0023707 (Ryan).

With respect to claims 1, 5, 9, 13, and 17, Wydall discloses the invention as claimed, an information processing system comprising: a first storage module storing step information containing parameters (***WIN.INI, SYSTEM.INI, AUTOEXEC.BAT, CONFIG.SYS, executable files run from CD-ROM to control the initial operation of***

**a program**); a second storage module storing values of the parameters **(predetermined data file storing parameters to scale the program such as size and rate, e.g. data.mnu or cdnav.ini file or a line in WIN.INI)**; and a module executing steps specified by the step information that identify the value of the parameter **(execution program run carrying instructions to optimize the size and/or frame rate according to specified parameters values)**. (See Col. 6, Line 30 to Col. 7, Line 3; Col. 7, Line 33 to Col. 8, Line 44). Wydall fails to specifically disclose a module executing steps that replaces a parameter of the step information with a value of the parameter. However, Ryan discloses System and method for batch-tuning multiple software components of an intelligent device, the intelligent device may including tunable components (a batch tuner) each associated with a tunable configuration file, the batch tuner used to generate batch configuration documents from the configuration files wherein a tuner script 216 may be executed which reads previously created batch configuration document 212 and edits the tunable configuration files 206 associated with the components 202 and specified in the configuration document 212 (i.e. the batch tuner sets all applicable tunable parameters in all available tunable configuration files 206 to the parameter values specified in batch configuration document 212); said applying the configuration information from the batch configuration document comprises replacing one or more current parameter values in particular configuration file with new parameter values from the batch configuration document [abstract; Fig. 5 & 12; Par. 0016-0018]. Therefore, it would have been obvious to one having ordinary skill in the art to have the module executing steps that replaces a parameter of the step information

with a value of the parameter, as is in the case in Ryan's disclosure, in combination with the information processing, as taught by Wydall, because the combination would have provided an improve system having configuration tools that may be used to apply changed configuration file to the component directly (i.e. without restarting or re-initializing the component ), as taught by Ryan [Par. 0012]. The combination is proper because Ryan discloses a user may have to access two or more of configuration tools to tune the individual configuration files associated with the components that the user wishes to tune. To apply the changes made in the configuration files, the components may access the configuration files, for example, an application may read a configuration file when restarted, or registers in a hardware component may be set to the new parameters in the configuration file when reinitialized [Par. 0012].

With respect to claims 2,4, 6, 8, 10, 12, 14 and 16, Ryan discloses Wydall discloses the information system configuring predetermined target system by combining a plurality of subsystems, and the parameters is characteristic information that adapts said subsystem to the target system; and the system accepting values setting with respects to the parameters and the system judging whether the values with the setting accepted can be applied to said target system [ Par. 0016-0019]; Wydall additionally discloses the information system configuring predetermined target system by combining a plurality of subsystems, and the parameters is characteristic information that adapts said subsystem to the target system; and the system accepting values setting with

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respects to the parameters and the system judging whether the values with the setting accepted can be applied to said target system [Col. 9, Lines 21-45].

With respect to claims 5, 7, 11, and 15, Ryan discloses the invention as claimed, said system comprising a module decrypting the information encrypted [Par. 0016-0019].

### ***Conclusion***

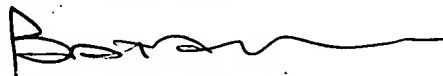
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 7,117,482 teaching migration of configuration data from one software installation through an upgrade

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (8:00A to 4:30P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre-Michel Bataille  
Primary Examiner  
Art Unit 2186

January 6, 2007

**PIERRE BATAILLE**  
**PRIMARY EXAMINER**